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PTO/SB/64 (08-06)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)
CCI-027CN

First named inventor: Peter Martin FISCHER

Application No: 10/671,747-Conf. #9353

Art Unit: 1624

Filed: September 26, 2003

Examiner: D. R. Rao

Title: INHIBITORS OF CYCLIN DEPENDENT KINASES AS ANTI-CANCER AGENT

MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (571) 272-3282.The above-identified application became abandoned for failure to file a timely and proper reply to a notice or
action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration
date of the period set for reply in the office notice or action plus any extensions of time actually obtained.**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee☒ Small entity – fee \$ 750.00 (37 CFR 1.17(m)). Applicant claims small entity status.
See 37 CFR 1.27.☐ Other than small entity – fee \$ _____ (37 CFR 1.17(m))**2. Reply and/or fee****A. The reply and/or fee to the above-noted Office action in
the form of Issue Fee Transmittal Form PTOL-85B (Identify type of reply):**☒ has been filed previously on June 27, 2006
☐ is enclosed herewith.**B. The issue fee and publication fee (if applicable) of \$ 700.00**☐ has been paid previously on _____☒ is enclosed herewith. PLEASE NOTE THAT ONLY THE PUBLICATION FEE OF \$300 AND THE
ADVANCE ORDER FEE OF \$30 WERE CHARGED TO DEPOSIT ORDER ACCOUNT 12-0080
ON JUNE 29, 2006

Page 1 of 2

03/06/2007 CCHAU1 00000037 120080 10671747

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PTO/SB/64 (08-08)

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3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.


Signature

March 5, 2007

Date

Cynthia M. Soroos

Typed or printed name

53,623

Registration Number, if applicable

LAHIVE & COCKFIELD, LLP
One Post Office Square
Boston, Massachusetts 02109-2127
Address

(617) 227-7400
Telephone Number

Enclosures:

- ☒ Fee Payment
- ☐ Reply
- ☐ Terminal Disclaimer Form
- ☐ Additional sheets containing statements establishing unintentional delay
- ☒ Other: Copy of PTOL-85 dated June 27, 2006;
Copy of Issue Fee Postcard dated June 27, 2006 by the PTO;
Copy of Notice of Abandonment dated February 5, 2007

Page 2 of 2

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted by facsimile to the Patent and Trademark Office, facsimile no. (571) 273-8300 at 451 Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: March 5, 2007

Signature:



(Cynthia M. Soroos)

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FAX TRANSMISSION

DATE: March 5, 2007

PTO IDENTIFIER: Application Number 10/671,747-Conf. #9353
Patent Number

Inventor: Peter Martin FISCHER et al.

MESSAGE TO: US Patent and Trademark Office

FAX NUMBER: (571) 273-8300

FROM: LAHIVE & COCKFIELD, LLP

Cynthia M. Soroos

PHONE: (617) 227-7400

Attorney Dkt. #: CCI-027CN

PAGES (Including Cover Sheet): 10

CONTENTS: Transmittal (1 page)
Petition to Revive Application Unintentionally Abandoned (2 pages)
Copy of Issue Fee Postcard date stamped June 27, 2006 by the PTO (1 page)
Copy of PTOL-85 dated June 27, 2006 (1 page)
Copy of Notice of Abandonment February 5, 2007 (2 pages)
Fee Transmittal (1 page)
Charge \$1450.00 to deposit account 12-0080

If your receipt of this transmission is in error, please notify this firm immediately by collect call to sender at (617) 227-7400 and send the original transmission to us by return mail at the address below.

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PTO/SB/97 (09-04)

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Application No. (if known): 10/671,747

Attorney Docket No.: CCI-027CN

Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office.

on March 5, 2007
Date


Signature

Cynthia M. Sorros

Typed or printed name of person signing Certificate

53.623

Registration Number, if applicable

(617) 227-7400

Telephone Number

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

Transmittal (1 page)

Petition to Revive Application Unintentionally Abandoned (2 pages)

Copy of Issue Fee Postcard date stamped June 27, 2006 by the PTO (1 page)

Copy of PTOL-85 dated June 27, 2006 (1 page)

Copy of Notice of Abandonment February 5, 2007 (2 pages)

Fee Transmittal (1 page)

Charge \$1450.00 to deposit account 12-0080

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PTO/SB/21 (09-06)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

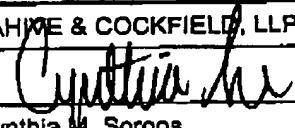
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM <small>(to be used for all correspondence after initial filing)</small>	Application Number	10/671,747-Conf. #9353
	Filing Date	September 26, 2003
	First Named Inventor	Peter Martin FISCHER
	Art Unit	1624
	Examiner Name	D. R. Rao
Total Number of Pages in This Submission	Attorney Docket Number	CCI-027CN

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Copy of Issue Fee Postcard date stamped by the PTO on June 27, 2006; Copy of PTOL-085 dated June 27, 2006; Copy of Notice of Abandonment dated February 5, 2007; Certificate of Transmission
Remarks		

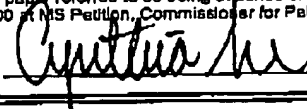
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	LAHIVE & COCKFIELD, LLP		
Signature			
Printed name	Cynthia M. Soroos		
Date	March 5, 2007	Reg. No.	53,623

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted by facsimile to the Patent and Trademark Office, facsimile no. (571) 273-8300 at MS Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: March 5, 2007

Signature:



(Cynthia M. Soroos)

COPY

Atty Docket No.: CCI-027CN

Inventor: Peter Martin FISCHER et al.

Application No.: 10/671747-Conf. #9353

Filing Date: September 26, 2003

Title: INHIBITORS OF CYCLIN DEPENDENT KINASES AS ANTI-CANCER AGENT

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Documents Filed:

Transmittal (1 page)

PTOL-85 (1 page)

Fee Transmittal (1 page, in duplicate)

Petition to Grant Original Filing Date Pursuant to 37 C.F.R. § 1.10 (3 pages)

Appendices A-E (5 pages)

Charge \$1,030.00 to deposit account 12-0080

Return Receipt Postcard



Via: Express Mail: Airbill No. EV 682 426 099 US

Sender's Initials: CLK/CMS/bj

Date: June 27, 2006



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,747	09/26/2003	Peter Martin Fischer	CCI-027CN	9353

959 7590 02/03/2007
LAHIVE & COCKFIELD, LLP
ONE POST OFFICE SQUARE
BOSTON, MA 02109-2127

DOCKETED

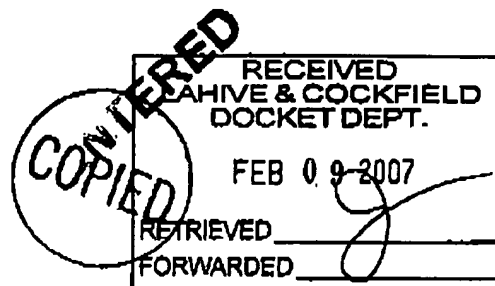
mar. 5, 2007 - 1 month rem.
Apr. 5, 2007 - Resubmit Due

EXAMINER
RAO, DESPAK R

ART UNIT	PAPER NUMBER
1624	

MAIL DATE	DELIVERY MODE
02/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.



Notice of Abandonment

Application No.

10/671,747

Applicant(s)

FISCHER

Examiner

Art Unit

RAO

1624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.86(a) and 1.111. (See explanation in box 7 below).
 - (d) ☐ No reply has been received.
2. ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☒ The submitted fee of \$300 is insufficient. A balance of \$700 is due.
The issue fee required by 37 CFR 1.18 is \$700. The publication fee, if required by 37 CFR 1.18(d), is \$300.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

lqd

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.161, should be promptly filed to minimize any negative effects on patent term.

PTO/SB/17 (07-08)

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Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818). FEE TRANSMITTAL For FY 2006		Complete if Known Application Number 10/671,747-Conf. #9353 Filing Date September 28, 2003 First Named Inventor Peter Martin FISCHER Examiner Name D. R. Rao Art Unit 1624 Attorney Docket No. CCI-027CN	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27			
TOTAL AMOUNT OF PAYMENT (\$) 1,450.00			

METHOD OF PAYMENT (check all that apply)	
<input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> None <input type="checkbox"/> Other (please identify): _____	
<input checked="" type="checkbox"/> Deposit Account Deposit Account Number: 12-0080 Deposit Account Name: Lahive & Cockfield, LLP	
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)	
<input checked="" type="checkbox"/> Charge fee(s) indicated below <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee	
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 <input checked="" type="checkbox"/> Credit any overpayments	

FEE CALCULATION							
1. BASIC FILING, SEARCH, AND EXAMINATION FEES							
Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	
2. EXCESS CLAIM FEES							
Fee Description							Small Entity Fee (\$)
Each claim over 20 (including Reissues)							50
Each independent claim over 3 (including Reissues)							200
Multiple dependent claims							360
							180
Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims			
				Fee (\$)	Fee Paid (\$)		
HP = highest number of total claims paid for, if greater than 20.							
Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)				
HP = highest number of independent claims paid for, if greater than 3.							
3. APPLICATION SIZE FEE							
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)			
- 100 = /50 (round up to a whole number) x = Fees Paid (\$)							
4. OTHER FEE(S)							
Non-English Specification, \$130 fee (no small entity discount)							750.00
Other (e.g., late filing surcharge): 2453 Petition to revive unintentionally abandoned ...							700.00
2501 Utility Issue Fee							

SUBMITTED BY Signature: <i>Cynthia M. Soroco</i>		Registration No. (Attorney/Agent) 53,623	Telephone (617) 227-7400
Name (Print/Type) Cynthia M. Soroco		Date March 5, 2007	

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Dated: March 5, 2007	Signature: <i>Cynthia M. Soroco</i> (Cynthia M. Soroco)